

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SOREN BROOME as Personal
Representative of the Estate of A.B.; and
SOREN BROOME and RYAN BROOME,
individually, and as the natural parents of
A.B.,

Plaintiffs,

v.

UNITED STATES OF AMERICA; SARAH
ESTRADA, MD; MEAGAN PETERSEN,
ARNP; and UNKNOWN JOHN DOES AND
JOHN DOE CLINICS,

Defendants.

CAUSE NO.

COMPLAINT FOR
MEDICAL NEGLIGENCE

I. PARTIES

1.1 Plaintiffs Soren Broome and Ryan Broome are the natural parents of decedent A.B. Plaintiffs Soren Broome and Ryan Broome currently reside in, North Charleston, Dorchester County, state of South Carolina.

1 1.2 Defendant United States of America is named on the basis of the determination
2 pursuant to 28 U.S.C. Sec. 2671 that Madigan Army Medical Center facilities in Washington
3 and its physicians, employees, and agents are employees and agents of the United States
4 Government.
5

6 1.3 Defendant Sarah Estrada, MD was an employee of Madigan Army Medical
7 Center in Washington, at all times material hereto, and provided care to Plaintiff Soren Broom
8 and A.B., and whose negligence contributed to Plaintiffs' injuries and damages.
9

10 1.4 Defendant Meagan Petersen, ARNP was an employee of Madigan Army Medical
11 Center in Washington, at all times material hereto, and provided care to Plaintiff Soren Broom
12 and A.B., and whose negligence contributed to Plaintiffs' injuries and damages
13

14 1.5 Plaintiffs allege there may be other health care providers, persons, or entities
15 whose negligence contributed to Plaintiffs' injuries and damages, but whose identity is not now
16 known and who are referred to herein as Unknown John Does. Plaintiffs request these
17 pleadings be amended to reflect the true identities of these Defendants if and when they are
18 identified.
19

20 1.6 Plaintiffs allege there may be other Clinics, Corporations or Partnerships that
21 employed individuals mentioned in the paragraphs above, such as to make these John Doe
22 Clinics, Corporations or Partnerships responsible, whose negligence contributed to Plaintiffs'
23 injuries and damages, but whose identity is not now known and who are referred to herein as
24 Unknown John Doe Clinics, Corporations or Partnerships. Plaintiffs request these pleadings be
25 amended to reflect the true identities of these Defendants if and when they are identified.
26

27 ///

II. JURISDICTION AND VENUE

2.1 On May 20, 2019, Plaintiffs submitted a Claim for Damage, Injury, or Death Tort Claim form on all appropriate agencies (*See Exhibit 1, attached*). The Department of the Army, Madigan Army Medical Center, in Tacoma, Washington, acknowledged receipt of the claim form on May 28, 2019. As of this date, Plaintiff has received no denial of the Federal Tort Claim, but the six-month investigation period has since expired. Therefore, this Court has jurisdiction over the claims against the United States of America pursuant to 28 U.S.C. Sec. 2675(a).

2.2 Venue in this Court is proper pursuant to 28 U.S.C. sec. 1402(b).

III. STATEMENT OF CLAIMS

3.1 On October 20, 2018, Plaintiff Soren Broome went into labor with her son, A.B. at Madigan Army Medical Center.

3.2 During labor, the fetal heart tracing developed signs of severe fetal distress with a high risk of hypoxic ischemic insult if reasonable care and delivery did not timely occur.

3.3 Delay in recognition and delivery caused severe neurologic injury to A.B.

3.4 A.B. was delivered via emergent c-section following prolonged rupture of membranes, and evidence of severe fetal distress.

3.5 A.B. was born with APGAR score of 0 at one (1) minute; 1 at five(5) minutes; 2 at ten minutes; 3 at fifteen (15) minutes; and 4 at twenty (20) minutes.

3.6 A.B. was born with a cord gas of 6.74/>140/-20.4.

3.7 A.B. was taken to NICU.

1 3.8 A.B. was diagnosed with hypoxic ischemic encephalopathy and United States
2 healthcare providers eventually recommended allowing A.B. to pass away through palliative
3 care.

4
5 3.9 A.B. passed away on November 11, 2018 from consequences of hypoxic
6 ischemic encephalopathy.

7 3.10 The Defendants failed to provide reasonable and prudent care during Soren
8 Broome's labor, through delivery, and during the life of A.B. from delivery to the time of death.

9 3.11 If Defendant had met the standard of care, A.B. would have been timely
10 delivered and would not have suffered neurologic injury and resultant death.

11
12 3.12 The Plaintiffs filed a claim on May 20, 2017, which claim is attached as Exhibit
13 "1" to this Complaint.

14 **IV. CLAIMS AGAINST THE UNITED STATES OF AMERICA**

15 4.1 As alleged above, the Madigan Army Medical Center system, and its employees
16 are employees of the United States Government pursuant to 28 U.S.C. Sec. 2671. Therefore, the
17 proper Defendant in this matter is the United States of America.

18
19 4.2 Medical Negligence. Defendant United States of America, by and through is
20 employees and agents, the Madigan Army Medical Center system failed to exercise the degree
21 of care, skill and learning expected of reasonably prudent health care providers in the same
22 profession or class in the State of Washington acting in the same or similar circumstances. Such
23 conduct proximately caused severe injuries and damage to Plaintiffs. Such conduct establishes
24 claims under RCW 4.24, RCW 7.70 and other applicable law.
25
26
27

1 4.3 Negligence. Defendant United States of America, by and through the Madigan
2 Army Medical Center system failed to exercise the degree of care, skill, and learning expected
3 of reasonably prudent health care providers in the same profession or class in the State of
4 Washington acting in the same or similar circumstances. If the actions of defendant fall outside
5 of these parameters, negligence has occurred.
6

7 4.4 Informed Consent. Defendant United States of America, by and through the
8 Madigan Army Medical Center system and its employees, breached its duty to inform
9 Plaintiffs of all material facts, including risks and alternatives, which a reasonably prudent
10 patient would need to make an informed decision on whether to consent to or reject proposed
11 courses of treatment. This conduct proximately caused injury to Plaintiffs.
12

13 4.5 Corporate Negligence. Defendant United States is liable under the doctrine of
14 corporate negligence, WPI 105.02.02. Defendant Hospital owes an independent duty of care to
15 its patients and has a duty to exercise the degree of skill, care, and learning expected of a
16 reasonably prudent hospital. Defendant is responsible for all acts and omissions of its
17 employees, agents, independent contractors and is responsible for adequate supervision of its
18 staff members.
19

20 4.6 More specifically, Defendant United States failed to:

21 4.6.1 timely recognize fetal distress of A.B.;

22 4.6.2 timely recognize a high risk of hypoxic ischemic insult to A.B.;

23 4.6.3 timely intervene and deliver A.B.;

24 4.6.4 provide reasonable care during labor, delivery and A.B.'s neonatal
25 life.; and
26
27

1 4.6.5 meet the standard of care of reasonably prudent healthcare
2 providers under the same and similar circumstances, resulting in
3 the ultimate severe neurologic injury and eventual death of A.B.

4 **V. PROXIMATE CAUSE**

5 5.1 The conduct of Defendants herein was a proximate cause of Plaintiffs' injuries
6 and damages as outlined below.

7 **VI. INJURIES AND DAMAGES**

8
9 6.1 The acts and omissions of Defendants directly and proximately caused A.B. to
10 suffer death following severe and permanent injury, both mental and physical, pain and
11 suffering, mental anguish, disability, and other elements of damages as allowed by law.

12 6.2 Plaintiff Soren Broome has a loss of consortium claim, including but not limited
13 to loss of love and affection.

14
15 6.3 Plaintiff Ryan Broome has a loss of consortium claim, including but not limited
16 to loss of love and affection.

17 6.4 Plaintiffs incurred out-of-pocket expenses, including but not limited to medical
18 expenses, income loss, funeral expenses, and other expenses in an amount that will be proven at
19 trial.

20
21 WHEREFORE, having set forth their complaints, Plaintiffs request the right to amend
22 their complaint to conform to the evidence and for the Court enter judgment against Defendants,
23 jointly and severally, for all injuries and damages sustained by the Plaintiffs in the amounts to be
24 proven in trial, together with their reasonable costs and fees incurred herein, and such further
25 relief as justice requires.
26
27

1 DATED this 29th day of June, 2020.

2 HOLMAN LAW, PLLC
3 /S/ Jessica Holman Duthie
4 Jessica Holman Duthie, WSBA No. 43065
5 Holman Law, PLLC
6 4041 Ruston Way, Suite 101
7 Tacoma, WA 98402
8 Telephone: 253-627-1866
9 Fax: 253-627-1924
10 Email: JHD@theholmanlawfirm.com
11 Attorney for Plaintiffs
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27